
STATUTORY INSTRUMENTS

1994 No. 3162

The Gloucester Harbour Revision Order 1994

PART III

POWERS OF TRUSTEES

Byelaws

16.—(1) In addition to the byelaws which may be made by the Trustees under section 83 of the Harbours, Docks, and Piers Clauses Act 1847(1) the Trustees may, from time to time, make such byelaws as they think fit with reference to all or any of the following—

- (a) regulating the navigation, berthing, mooring, careening and beaching of vessels and their speed and manner of navigation within the harbour;
 - (b) preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the harbour and to navigation aids of every description which are used in connection with the harbour;
 - (c) regulating the conduct of all persons within the harbour not being members of a police force or officers or servants of the Crown whilst in exercise of their duties;
 - (d) regulating the placing, maintenance and use of moorings within the harbour;
 - (e) preventing and removing obstructions or impediments within the harbour;
 - (f) prohibiting or regulating the discharge of ballast, ashes, refuse, rubbish and other materials in the harbour;
 - (g) regulating vessels in the harbour and their entry into, use of and departure from the harbour and, without prejudice to the generality of the foregoing, prescribing rules for regulating the speed and manner of navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the harbour;
 - (h) regulating or prohibiting the activities within the harbour of divers, surfers, water-skiers, jet-skiers and other persons engaged in similar recreational pursuits;
 - (i) prescribing the lights and signals to be exhibited or made—
 - (i) by vessels aground within the harbour; and
 - (ii) by vessels used for marking obstructions within the harbour;
 - (j) regulating the launching of vessels within the harbour;
 - (k) regulating or prohibiting the use of fire and lights within the harbour and within any vessel within the harbour;
 - (l) regulating the movement, speed and parking of vehicles within the harbour;
 - (m) regulating the control of domestic animals within the harbour.
- (2) In this article, “signals” includes sound and electronic signals.

(3) Byelaws made under this article may—

- (a) provide for imposing upon persons offending against them fines not exceeding level 3 on the standard scale;
- (b) relate to the whole of the harbour or any part thereof;
- (c) make different provisions for different parts of the harbour, or in relation to different classes of vessels.

(4) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972⁽²⁾ (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Trustees under this article as if the Trustees were a local authority and the clerk to the Trustees were a proper officer of a local authority; but, subject to paragraph (5) below, the Secretary of State may confirm the byelaws with such modifications as he thinks fit.

(5) Where the Secretary of State proposes to make a modification which appears to him to be substantial, then—

- (a) he shall inform the Trustees and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification; and
- (b) he shall not confirm the byelaws until such period has elapsed as he thinks reasonable for the Trustees and other persons who have been informed of the proposed modification to consider and comment on it.

(6) Section 12 (Inquiries) of the Gloucester Harbour Order 1959⁽³⁾ shall be amended by the substitution of the words “article 16 (Byelaws) of the Gloucester Harbour Revision Order 1994” for the words “section 9 (Byelaws) of the Gloucester Harbour Revision Order 1988”.

(2) 1972 c. 20.

(3) See 1959 c. xxxvii; section 12 was amended by the Gloucester Harbour Revision Order 1988 (S.I.1988/1040), article 9(4).